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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,689	02/11/2004	Scott Dresden	X-9281	3830
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EXAMINER				
CHANKONG, DOHIM				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,689

Applicant(s)

DRESDEN, SCOTT

Examiner

DOHM CHANKONG

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to Applicant's amendment filed on 5/23/2008. Claims 1-7 are canceled. Claims 8-14 are added. Claims 8-14 are presented for further examination.
2. This is a final rejection.

Response to Arguments

3. Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12 and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by Santos et al, U.S. Patent Publication No. 2004/0176992 ["Santos"].
5. As to claim 12, Santos discloses a method for tracking and presenting information regarding the behavior of a plurality of users on a series of web pages, include the acts of:

indexing a plurality of site visitors [0017, 0018: grouping customers by customer data and segmentation rules];

detecting an activation event caused by the site visitors [0027: detecting user's interactions with a website];

recording at least one action of each of the site visitors, and storing the at least one action in accessible electronic storage [0014, 0027: information stored in a database];

selecting an index criteria, said criteria based on criteria action from the at least one recorded action [0027: index criteria such as demographic information];

recalling all stored actions from all indexed recorded data matching the index criteria [0020, 0028: collecting all actions related to the same group of customers or customer segments];

statistically compiling said recalled stored actions [0016, 0020: statistically compiling the collection actions];

presenting said statistically compiled actions into at least one browser simulation on a computation device [0016].

6. As to claim 13, Santos discloses said indexing step includes said timing of sub actions [0027: how long the customer typically accesses the site].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Duckett et al, U.S. Patent Publication No. 2003|0053420 ["Duckett"], in view of Santos et al, U.S. Patent Publication No. 2004|0176992 ["Santos"], in further view of Copley et al, U.S. Patent Publication No. 2003|0061305 ["Copley"].

8. At the outset, it is noted that Applicant's limitation of claim 8 reciting "replaying the recording of at least one of the choices..." is interpreted consistent with the Applicant's specification. And Applicant's specification describes in great detail how web sessions are *simulated* based on recorded user choices [see Applicant's specification, abstract (presenting summaries as "simulated surfing"), 0017 (describing a "webshow simulation"), 0021 (statistically simulating the browser experience)]. Applicant's specification does not describe the natural interpretation of "replay" which would be to play back the exact same recorded choices rather provide a statistical simulation. Therefore, the limitation is interpreted as simulating a session based on the users' choices. If Applicant disagrees with this interpretation of the limitation, Applicant should cite specific sections in the application that support a different interpretation.

9. As to claim 8, Duckett does not expressly disclose the features related to the initial content menu screen. Duckett does not disclose displaying an initial content menu screen or that when a content user chooses a desired link from the initial content menu screen, prompting the content user for statistical information and storing the statistical information in an electronic

database, or after successfully entering the statistical information, returning to a first content screen including links to a plurality of content screens. However, all three limitations were well known features in the art as evidenced by Santos and Copley.

Copley discloses displaying an initial content menu screen with at least one link [0070: Copley discloses an "original page"] and when a content user chooses a desired link from the initial screen, prompting the content user for statistical information [0070: "[u]pon execution" the user is redirected to a form asking about demographic data], and after successfully entering the statistical information, returning a first content screen [0070: user is redirected back to the original page after submitting demographic information]. Copley teaches the well known feature of requesting a user for personal information prior to delivering content to the user so as to obtain useful information about the user. It would have been obvious to one of ordinary skill in the art to have modified Duckett's method to include Copley's demographic information functionality so as to request the useful information from the user. Santos discloses that this information is especially useful in click-flow tracking methods such as those taught by Duckett and claimed by Applicant. For example, Santos discloses that demographic data obtained from a customer can be used to develop better simulations of web-page activity which provides better evaluations of a website [0014, 0027]. Therefore, one of ordinary skill in the art would have been motivated to modify Duckett's tracking system in order to provide better website simulations based on user demographic information. Additionally, Santos discloses replaying the recording of the users' choices in correlation with the statistical information [0016: replaying a session based on customer segments which is derived from the statistical demographic information collected from the user].

10. For the following claim rejections, all citations are to Duckett unless otherwise noted.

11. As to claim 8, Duckett as modified by Copley and Santos discloses a method for tracking and presenting information regarding the behavior of a plurality of users on a series of web pages, include the acts of:

displaying an initial content menu screen with at least one link [Copley, 0070];

when a content user chooses a desired link from the initial content menu screen, prompting the content user for statistical information when said content user chooses a desired link and storing said information on an electronic database [Copley, 0070 & Santos, 0027];

after the content user has successfully entered the statistical information, returning to a first content screen including links to a plurality of content screens [Copley, 0070: redirected back to the original page];

recording links selected by the user from first content screen as long as said users' choices are recordable [0022, 0024, 0126]; and

replaying the recording of at least one of the choices selected by the user in the perspective of the user and in correlation with the statistical information in a browser simulator [0156, 0194 – replay as a “virtual video” of the user interactions & Santos, 0016, 0017 – replaying based on demographic information].

12. As to claim 9, Duckett as modified by Santos and Copley discloses the act of recording the time said user takes between each link [Figure 6 - use of event time stamps].

13. As to claim 10, Duckett as modified by Santos and Copley discloses said replaying step includes replaying a plurality of users' [0157 & Santos, 0016 – replaying a session for an entire customer segment].

14. As to claim 11, Duckett as modified by Santos and Copley discloses said replaying steps includes selecting a criteria from said statistical information entered by said user [0183-0186 – selecting a filter & Santos, 0016 – selecting a specific customer segment such as “customers who are on a budget”].

15. Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Santos, in view of Hentzel et al, U.S. Patent No. 6.877.007 [“Hentzel”].

16. As to claim 7, Santos discloses a system for studying the behavior of visitors to an Internet site including:

an indexing system for identifying a plurality of visitors [0017, 0018: grouping customers by customer data and segmentation rules];

an event initiation module for triggering the recording of the browser behavior of each of the plurality of visitors [Figure 1 «item 20» | 0026: agent gathering the data when a customer starts browsing the website];

data storage coupled with said Internet site [Figure 1 «item 14»];

a behavior organization module coupled with said data storage, capable of retrieving selected recordings from said at least one recording and compiling data representative of at least some of the visitors browser behavior, wherein said behavior organization module uses at least one criteria to select [Figure «item 16» | 0027: the mining system collects and aggregates the collected data based on customer segments]; and

a browser simulator capable of taking data from said behavior organization module and presenting an accurate simulation of said compiled data representing the browser behavior of at least some of the plurality of visitors in a browser display [Figure 1 «item 56» | 0016].

Santos does not expressly disclose an event termination module for terminating the recording of said browser behavior. However a module that terminates the recording of browser behavior was well known in the art at the time of Applicant's invention as evidenced by Hentzel. Like Santos, Hentzel is directed a system for tracking a user's interaction with web pages [abstract]. Hentzel discloses a termination module that terminates the recording of a browser's behavior [column 13 «lines 3-15»]. It would have been obvious to one of ordinary skill in the art to have modified Santos' tracking system to include a termination module as taught by Hentzel. The use of a termination module would improve Santos as it would provide a signal to Santos' tracking system to terminate the recording of the browser behavior.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/
Examiner, Art Unit 2152

/Bunjod Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152